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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,187	07/15/2003	Dennis G. Thibedeau	66396-049	4957
7590 07/19/2005 MCDERMOTT, WILL & EMERY 600 13th Street, N.W. Washington, DC 20005-3096			EXAMINER TERESINSKI, JOHN	
			ART UNIT 2858	PAPER NUMBER

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,187

Applicant(s)

THIBEDEAU ET AL.

Examiner

John Teresinski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 8-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/7/04, 1/11/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Claims 8-28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in the reply filed on April 11, 2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 7 and 29 are rejected under 35 U.S.C. 102(b) as being anticiapted by U.S. Patent No. 6,097,193 to Bramwell.

Regarding claim 1, Bramwell discloses a vehicle battery meter and associated method including a system tester with load leads connectable at respective first ends to separate points of the vehicle system circuit and connectable at respective second ends to a first set of inputs to the tester (Fig. 1 elements B, D), sense leads connectable at respective first ends to the separated points of the vehicle system circuit and connectable at respective second ends to a second set of inputs to the tester (Fig. 1 elements A, C), a controller for measuring the impedance between the circuit points and calculating data related thereto (column 10 lines 38-41), and display means for

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displaying in real time the impedance as measured and for displaying a parameter based on the related data calculated by the controller (column 10 lines 38-41).

Regarding claim 2, Bramwell discloses a load circuit element (Rx) is connected across the load leads, and the system tester further comprises an electrical source connectable to the load circuit element (Fig. 1 elements Rx, 28).

Regarding claim 5, Bramwell discloses means for calculating impedance values for a plurality of circuit points at which the load leads and sense leads may be connected and means for comparing the calculated impedance values with respective threshold values (column 10 lines 20-40).

Regarding claim 7, Bramwell discloses a pair of conductors attached at a first end to a Kelvin clamp, the pair of conductors attached at a second end to respective terminals of a terminal block, the terminals being insulated from each other, wherein the terminal block is configured for mating to a kelvin clamp of the system tester (column 6 lines 56-59, see Fig. 1).

Regarding claim 29, Bramwell discloses a pair of conductors attached at a first end to a Kelvin clamp, the pair of conductors attached at a second end to respective terminals of a terminal block, the terminals being insulated from each other, wherein the terminal block is configured for mating to a Kelvin clamp of the testing device (column 6 lines 56-59, Fig. 1 elements A-D, BAT).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bramwell in view of U.S. Patent No. 6,172,505 to Bertness.

Regarding claims 3 and 4, Bramwell disclose an alternating current source and the tester further having a current sense amplifier connected to the load leads (column lines). Bramwell does not disclose a dc voltage amplifier and an ac amplifier connected to the sense leads, each of the amplifiers connected to a respective input channel of an analog to digital converter. Bertness discloses battery tester with a kelvin probe (16A, 16B, 18A, 18B) having a current sense amplifier connected to the load leads, a dc voltage amplifier (32) and an ac amplifier (24) connected to the sense leads, each of the amplifiers connected to a respective input channel of an analog to digital converter wherein the analog to digital converter output is applied to a controller (column 3 lines 23-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include current sense amplifiers as taught by Bertness into Bramwell for the purpose of providing a measurement results with increased accuracy.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bramwell in view of U.S. Patent No. 6,384,614 to Hager et al..

Regarding claim 6, Bramwell disclose sense leads provide Kelvin connections at points of the vehicle system circuit under test (column 10 lines 13-20). Bramwell does not disclose means for extending the length of the load lead and the sense lead connectable to a circuit point under test. Hager et al. disclose a kelvin probe for measuring resistance including means for

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extending the length of the load lead and the sense lead connected to a circuit under test (Fig. 1 elements 20 and 22, Fig. 2 element 88). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include means for extending the length of the load lead and the sense lead as taught by Hager et al. into Bramwell for the purpose of simplifying connection of test probes to test surfaces.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Teresinski whose telephone number is (571) 272-2235. The examiner can normally be reached on M-F 8:30 - 5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JT

JT

July 15, 2005


EDWARD LEFKOWITZ
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